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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,529	04/02/2004	Merrit Heminway	2004P88067 US	5787
28524 7590 04/10/2007 SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			EXAMINER KOSOWSKI, ALEXANDER J	
			ART UNIT 2125	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/10/2007	PAPER

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Office Action Summary

Application No.

10/817,529

Applicant(s)

HEMINWAY ET AL.

Examiner

Alexander J. Kosowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52,56-72 and 76-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-23,34-40,56-67 and 77 is/are allowed.
- 6) ☒ Claim(s) 1-15,24-33,41,43-52,68-72,76,78-80 is/are rejected.
- 7) ☒ Claim(s) 42 and 81 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1) Claims 1-52, 56-72 and 76-81 are presented for examination in light of the amendment filed 1/3/07. This is a second non-final rejection due to the new 112 rejection of claim 76 below.

Allowable Subject Matter

- 2) Claims 16-23, 34-40, 56-61, 62-67, 77 are allowed.

The following is an examiner's statement of reasons for allowance: Referring to claims 16-23, 34-40, 56-61, 61-67 and 77, the claims are allowable for the reasons stated by applicant's representative in the "Remarks" section of the amendment filed 1/3/07.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Objections

- 3) Claims 42, 81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 101

- 4) The 101 rejection from the previous office action is withdrawn in light of the amendment filed 1/3/07.

Claim Rejections - 35 USC § 112

- 5) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6) Claim 76 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 76, the preamble of the claim is directed towards a computer readable medium containing a computer readable data structure for automating a sequence of process flow operations. However, the claim itself is simply a listing of tables containing data. It is not clear how the result of “automating a sequence of process flow operations” is a result created from 3 sets of tables simply containing data.

Claim Rejections - 35 USC § 102

7) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8) Claims 24-25, 28, 31-32, 41, 43-49, 52, 68, 71, 78, 80 are rejected under 35 U.S.C. 102(b) as being unpatentable by Kline, Jr et al (U.S. Pat 5,499,188).

Referring to (claim 24), Kline teaches a computer system for automating a sequence of process flow operations, said computer system comprising: a controller having an input/output component and a processing component (col. 5 lines 50-67), said input/output component for communicating with a workstation and process hardware (col. 4 lines 50-67 and col. 5 lines 33-49), said processing component programmed to execute a process including the steps of: receiving a recipe, said recipe including a plurality of unit operations (col. 10 lines 6-49), each of said plurality of unit operations describing a process flow step in terms of at least one chemical

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and/or physical step to be performed (col. 10 lines 1-49 and col. 13 lines 9-13); executing said plurality of unit operations including the steps of: executing one of said plurality of unit operations, determining if a next one of said plurality of unit operations is executable in parallel with said one of said plurality of unit operations and, if so, executing said next one of said plurality of unit operations (col. 11 lines 35-67, whereby operations can be executed in parallel) and repeating said step of determining until said next one of said plurality of unit operations is determined not to be executable in parallel (col. 12 lines 15-30, whereby each recipe step is determined to be conditional or not), and waiting for execution of said one of said plurality of unit operations to be completed if said next one of said plurality of unit operations is determined not to be executable in parallel with said one of said plurality of unit operations (col. 8 lines 39-67 and col. 11 line 35 through col. 12 line 34, whereby operations may be initiated in parallel or may be classified as conditional (i.e. sequential), and whereby the production run is commanded to go through each operation of the recipe after each operation has been classified appropriately).

Referring to (claim 25), Kline teaches wherein said step of executing one of said plurality of unit operations includes a step of passing a set of data to a hardware control module from a process control module, executing a set of instructions by said hardware control module to manipulate said plurality of process hardware to perform said process flow step defined by said one of said plurality of unit operations (col. 8 lines 49-67), (claim 28) wherein said workstation communicates said recipe and at least one command to a process control program being executed by said controller (col. 8 lines 49-67), (claim 31) wherein said processing component further executes a process step including correlating each of a plurality of input/output points to a corresponding one of a plurality of hardware devices whereby said process control module

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receives data from one of said plurality of input/output points and said process control module determines said corresponding one of said plurality of hardware devices (col. 5 lines 50-67 and col. 7 lines 26-67), and (claim 32) wherein said processing component further executes a process step including correlating each of a plurality of hardware devices to a corresponding one of a plurality of input/output points whereby a hardware control module determines said corresponding one of said plurality of input/output points and said hardware control module communicates with one of said plurality of input/output points (col. 5 lines 50-67 and col. 7 lines 26-67).

Referring to (claim 41), Kline teaches a controller for automating a sequence of process flow operations, said controller comprising: an input/output component adapted to communicate with a workstation and process hardware (col. 4 lines 50-67 and col. 5 lines 33-67); a process control program for executing a recipe including a plurality of unit operations (col. 10 lines 6-49), each of said plurality of unit operations describing a process flow step in terms of at least one chemical and/or physical step to be performed (col. 10 lines 1-49 and col. 13 lines 9-13), said process control program receiving said recipe through said input/output component (col. 10 lines 6-49); a hardware control program for monitoring and controlling said process hardware through said input/output component, said process control program communicating with said hardware control program (col. 8 lines 49-67); and a processing component programmed to execute said process control program and said hardware control program (col. 5 lines 50-67).

Referring to (claim 43), Kline teaches that said hardware control program is programmed to execute a process including the steps of: receiving a set of values from said process control program; sending a set of data to a selected device of said plurality of process hardware, said set

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of data corresponding to said set of values (col. 8 lines 49-67), (claim 44) wherein said hardware control program is programmed to execute a process including the steps of: receiving a set of data from a selected device of said plurality of process hardware; sending a set of values to said process control program, said set of data corresponding to said set of values (col. 8 lines 49-67), (claim 45) wherein said process control program includes a plurality of process objects representing a plurality of process elements, each of said plurality of process objects including at least one property and at least one method for manipulating one of said plurality of process elements (col. 9 lines 46-65), (claim 46) wherein said hardware control program includes a plurality of hardware objects each representing a hardware device from said plurality of process hardware, each of said plurality of hardware objects including at least one property and at least one method for directly monitoring and/or controlling said hardware device (col. 5 lines 50-67), (claim 47) wherein said process control program includes a plurality of process objects representing a plurality of process elements and said hardware control program includes a plurality of hardware objects each representing a hardware device from said plurality of process hardware, each of said plurality of process objects including at least one property and at least one method for manipulating one of said plurality of process elements, each of said plurality of hardware objects including at least one property and at least one method for directly monitoring and/or controlling said hardware device, said plurality of process objects communicating with said plurality of hardware objects (col. 5 lines 50-67 and col. 8), (claim 48) wherein said process control program and said hardware control program execute a process including a step of correlating one of a plurality of devices to one of a plurality of input/output points, whereby a set of data is passed between said process control program and said hardware control program, said

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process control program dealing with said plurality of devices and said hardware control program dealing with said plurality of input/output points (col. 5 lines 50-67 and col. 8 lines 49-67), (claim 49) wherein said process control program passes a set of data to said hardware control program, said hardware control program executing a set of instructions manipulating said plurality of process hardware to perform said process flow step defined by said one of said plurality of unit operations (col. 8 lines 49-67).

Referring to (claim 52), Kline teaches a controller for automating a sequence of process flow operations, said controller comprising: an input/output component adapted to communicate with a workstation and process hardware (col. 4 lines 50-67 and col. 5 lines 33-67); and a process control program for executing a recipe including a plurality of unit operations (col. 10 lines 6-49), each of said plurality of unit operations describing a process flow step in terms of at least one chemical and/or physical step to be performed (col. 10 lines 1-49 and col. 13 lines 9-13), said process control program receiving said recipe through said input/output component (col. 10 lines 6-49), said process control program including a plurality of process objects representing a plurality of process elements, each of said plurality of objects including at least one property and at least one method for manipulating one of said plurality of process elements (col. 10); and a hardware control program for monitoring and controlling said plurality of process hardware through said input/output component, said hardware control program including a plurality of hardware objects each representing a hardware device from said plurality of process hardware, each of said plurality of objects including at least one property and at least one method for directly monitoring and/or controlling said hardware device (col. 8 lines 49-67 and col. 10), said plurality of process objects communicating with said plurality of hardware objects

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and a processing component programmed to execute said process control program and said hardware control program (col. 5 lines 50-67).

Referring to claim 68, the claim varies from claim 24 in that it claims a method rather than a system. The system taught by claim 24 inherently teaches an identical method.

Therefore, referring to claim 68, see rejection of claim 24 above.

Referring to claim 71, see rejection of claim 66 above.

Referring to claim 78, Kline teaches a method in a computer system for editing a recipe by a user, comprising: presenting to the user a first list of a plurality of available unit operations (col. 9 line 30 through col. 10 line 29); presenting to the user a recipe list of a plurality of selected unit operations defining said recipe (col. 10 lines 29-49); presenting to the user a resource list including a plurality of resources based on said plurality of selected unit operations and allowing the user to add at least one of said plurality of available unit operations to said recipe list (col. 11 line 35 through col. 13 line 14); allowing the user to delete at least one of said plurality of available unit operations from said recipe list and allowing the user to edit the resources for one of said plurality of selected unit operations (col. 9 line 29 through col. 10 line 67, whereby a user of the recipe builder can create custom recipes from multiple resources).

Referring to claim 80, see rejection of claim 78 above.

Claim Rejections - 35 USC § 103

9) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10) Claims 1-4, 6-7, 11-14, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kline, Jr et al (U.S. Pat 5,499,188), further in view of Safir et al (U.S. Pat 6,994,827).

Referring to (claim 1), Kline teaches an apparatus for automating production by executing a sequence of process flow operations, said apparatus comprising: a workstation (col. 4 lines 50-67) having a processing component programmed to execute a process including the steps of: providing a recipe editor for creating and maintaining a recipe and providing operations control for executing said recipe (col. 10 lines 29-67) and a controller having an input/output component and a processing component (col. 5 lines 50-67), said controller communicating with said workstation (col. 5 lines 33-49), said controller processing component programmed to execute a process (col. 8 lines 49-67) including the steps of: receiving a plurality of unit operations forming said recipe, each said unit operation describing a chemical process step (col. 10 lines 1-49 and col. 13 lines 9-13), executing said plurality of unit operations (col. 8 lines 49-67) and process hardware in communication with said input/output component of said controller (col. 8 lines 20-48). However, Kline does not explicitly teach that said process hardware is adapted to produce a radiopharmaceutical and includes a reagent delivery system and a reaction vessel with an associated heating and purging system.

Safir teaches a chemical compounding system which is based off of a recipe and controlled through a GUI and controller and utilizes reaction vessels and heating and purging systems in addition to reagent delivery systems to create mixtures of chemicals (columns 7-8 and 28, whereby radiopharmaceuticals are a well known type of chemical mixture).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize the system taught by Kline above in combination with the components taught

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by Safir to create radiopharmaceuticals since this would allow control over combinations of multiple reactants, including volume, sequence, and temporal profile (Safir, col. 6 lines 1-5) and since the use of a GUI and controller interface for such a compounding system would allow a user to define detailed feed plans for reactions associated with multiple reaction vessels (Safir, col. 28 lines 20-25).

Referring to (claim 2), Kline teaches that each of said plurality of unit operations describes a process flow step in terms of the chemical and physical steps to be performed (col. 10 lines 1-49 and col. 13 lines 9-13), (claim 3) that each of said plurality of unit operations calls a software routine programmed to perform a set of instructions to manipulate said plurality of process hardware to perform a process flow step (col. 8 lines 49-67), (claim 4) that said workstation communicates said recipe and at least one command to a process control program being executed by said controller (col. 8 lines 49-67), (claim 6) wherein said process step of providing operations control being executed by said workstation processing component includes the steps of: selecting said recipe for execution from a library, sending said recipe to said controller, and sending an execute command to said controller (col. 8 lines 49-67), (claim 7) wherein said step of sending said recipe includes sending said plurality of unit operations to said controller (col. 8 lines 49-67), (claim 11) wherein said controller processing component includes a process control program and a hardware control program, said process control program including a step of communicating with said hardware control program (col. 5), (claim 12) wherein said controller processing component includes a process control program and a hardware control program, said hardware control program having a plurality of instructions executable by the controller, said hardware control program including a step of communicating

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with said process control program and a step of communicating with said plurality of process hardware (col. 5), (claim 13) wherein said controller processing component includes a process control program and a hardware control program, said process control program having a lookup table correlating each of said plurality of input/output points to a corresponding device, said process control program receiving data from one of said plurality of input/output points and said process control program executing a step to determine said corresponding device (col. 5 and col. 8), (claim 14) and wherein said controller processing component includes a process control program and a hardware control program, said hardware control program having a lookup table correlating each of said plurality of devices to each of said input/output points whereby said hardware control program receives instructions to be communicated to one of said plurality of devices and said hardware control program executes a step to determine said corresponding input/output point (col. 5 and col. 8).

Referring to claim 27, see rejection of claim 1 above.

11) Claims 5, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kline, further in view of Safir, further in view of. Funk et al (U.S. PGPUB 2005/0187649).

Referring to claims 5 and 8, Kline and Safir teach the above. However, they do not explicitly teach communicating a recipe state and at least one device state to a workstation, nor receiving a stream of data from the controller, said stream also including a recipe state, unit operation state and device state.

Funk teaches a monitoring and control apparatus for process flow operations which utilizes a recipe and allows monitoring of the states of a controller and of process tools (Paragraphs 0004-0005 and 0034-0036 and 0147-0148).

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Therefore, it would have been obvious to one skilled in the art at the time the invention was made to monitor data from a controller and operation units including operation state, device state, and recipe state in the invention taught above since this would allow for the control and monitoring of process flows (Funk, Paragraph 0004), and since this would also allow detection of abnormalities and characteristic deterioration of a process (Funk, Paragraph 0005).

Referring to claim 15, see rejection of claims 5 and 8 above.

12) Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kline, further in view of Safir, further in view of Christian et al (U.S. Pat 6,684,122).

Referring to claims 9-10, Kline and Safir teach the above. However, they do not explicitly teach sending a reset command to said controller before sending said recipe, nor receiving a reset command by the controller and initializing said controller before receiving said unit operations.

Christian teaches a control apparatus for controlling process flows operations which sends instructions for a process controller to reset itself before receipt of new of new instructions (col. 4 lines 17-29 and col. 7 lines 23-30).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to send reset commands to a controller in the invention taught above since a reset would allow operating parameters to be reset to match conditions in various processing chambers (Christian, col. 7 lines 15-30).

13) Claims 26, 29, 33, 50-51, 70, 72, 76 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kline, further in view of Funk.

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Referring to claim 26, Kline teaches the above. In addition, Kline teaches that said workstation has a processing component, said workstation processing component programmed to execute a process including the steps of: providing a recipe editor for creating and maintaining said recipe, and providing operations control for executing said recipe (col. 4 and col. 10). However, Kline does not explicitly teach displaying at least one process variable during execution of said recipe.

Funk teaches a monitoring and control apparatus for process flow operations which utilizes a recipe and allows monitoring of the states of a controller and of process tools (Paragraphs 0004-0005 and 0034-0036 and 0147-0148).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to display a process variable in the invention taught above since this would allow for the control and monitoring of process flows (Funk, Paragraph 0004), and since this would also allow detection of abnormalities and characteristic deterioration of a process (Funk, Paragraph 0005).

Referring to claims 29, 33, 50-51, 70, 72, see rejection of claims 5 and 8 above.

Referring to claim 76, Kline teaches a computerized system for controlling process flows, comprising a list table containing a set of recipe data including a list of at least one recipe and a recipe table containing a set of unit operation data including a list of a plurality of unit operations and a unit operation table containing a set of parameters relating to each of said plurality of unit operations (col. 4 and col. 8 and col. 10). However, Kline does not explicitly teach that said recipe table contains a set of recipe live data, said recipe live data including a recipe status, a recipe start time and date, and a recipe finish time and date nor said unit operation table

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containing a set of unit operation live data, said unit operation live data including a unit operation status, a unit operation start time and date, and a unit operation finish time and date.

Funk teaches a monitoring and control apparatus for process flow operations which utilizes a recipe and allows monitoring of the states of a controller and of process tools (Paragraphs 0004-0005 and 0034-0036 and 0147-0148), and which receives data including recipe status and operation status and live data (Paragraphs 00147-00148) and start and finish times (Paragraph 0044).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize the recipe and unit operation tables taught by Funk in the invention taught by Kline since this would allow for the control and monitoring of process flows (Funk, Paragraph 0004), and since this would also allow detection of abnormalities and characteristic deterioration of a process (Funk, Paragraph 0005).

Referring to claim 79, see rejection of claim 76 above.

14) Claims 30 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kline, further in view of Christian.

Referring to claims 30 and 69 see rejection of claims 9-10 above.

Response to Arguments

15) Regarding arguments directed towards claims 16, 34, 56, 62 and 77, note the indication of allowable subject matter above.

With regard to claims 24 and 68, applicant's arguments appear to address these claims identically to claims 16, 34, 56, 62 and 77. For instance, applicant argues that Kline "fails to disclose the classification of a unit operation subsequent to a unit operation being executed, as

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either sequential or parallel...”. However, examiner notes that claims 24 and 68 do not require a classification of sequential, but rather deal solely with parallel execution aspects. Therefore, since applicants arguments do not deal directly with the limitations of claims 24 and 68 explicitly, the arguments are not persuasive, and examiner maintains the rejection above.

With regard to claims 41 and 52, applicant argues that “Kline fails to disclose communication between a controller and workstations and process hardware through an input/output component”. Examiner maintains the rejection above, and notes that Kline teaches a workstation, input / output components, and process hardware (col. 4 lines 50-67 and col. 5 lines 33-67). All of these devices are connected to a control network, and are therefore able to communicate with each other, meeting the claim requirements.

Also with regard to claims 41 and 52, applicant notes that “Kline further fails to disclose a hardware control program monitoring and control process hardware based on execution of unit operations of a recipe...”. However, applicant does not expand on this statement. In response, examiner maintains the rejection above, as this amounts to a spurious argument since no support is given.

With regard to claim 78, applicant argues that “Kline discloses no such user addition or deletion or editing of resources from a preexisting recipe...”. Firstly, examiner notes there is no specific requirement requiring a “preexisting recipe” as argued. The claim can be broadly interpreted as a method for building a new recipe. Secondly, examiner notes that col. 10 lines 49-67 clearly teach an operator interface for interacting with a recipe builder. All of the limitations of claim 78, as maintained in the rejection above, are clearly present, and an operator at a workstation is able to be presented with various data and edit and create a recipe as claimed.

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With regard to claim 1, applicant argues that Safir is not concerned with the production of radiopharmaceuticals. Examiner maintains the original rejection above, and notes that radiopharmaceuticals were noted as a well known type of chemical mixture. Safir teaches a chemical compounding system. This system is clearly capable of production of any type of well known chemical mixture, including radiopharmaceuticals. Therefore, the production of radiopharmaceuticals is obvious in view of Kline and Safir as noted above.

Referring to claims 5, 8 and 15, applicant argues that “the cited paragraphs of Funk disclose a GUI, but fail to disclose or suggest the specific limitations of claims 5, 8 or 15. In response, examiner maintains the rejection above, and notes that Paragraphs 0004-0005, 0034-0036 and 0147-0148 disclose communication of states between workstations, controllers, and devices, all of which are controlled by programs, as required by claims 5, 8 and 15.

With regard to claims 9 and 10, applicant argues that “Christian does not even relate to use of a recipe for automation of process flow operations”. In response, examiner notes that it has been held that a prior art reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Christian relates to a control apparatus for process flows, and is therefore relevant analogous art.

Finally, with regard to claim 76, applicant has argued the outstanding 101 rejection, but not specifically addressed the outstanding art rejection. Therefore, the rejection of claim 76 is maintained, as shown above.

Conclusion

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16) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander J Kosowski whose telephone number is 571-272-3744.

The examiner can normally be reached on Monday through Friday, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. In addition, the examiner's RightFAX number is 571-273-3744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Alexander J. Kosowski
Primary Examiner
Art Unit 2125

A handwritten signature in black ink, appearing to read 'Alex Kosowski', with a stylized, flowing script.